

Mark E. Hindley (7222)  
David J. Williams (9186)  
Stoel Rives LLP  
201 South Main Street, Suite 1100  
Salt Lake City, Utah 84111  
Telephone: (801) 328-3131  
Facsimile: (801) 578-6999

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

ALEX RAY COTA, an individual,  
Plaintiff,

v.

J. ANDERSON, an individual; WAYNE  
ASHTON, an individual; and RON MILLER,  
an individual,  
Defendants.

**PLAINTIFF'S MOTION TO REOPEN  
DISCOVERY**

**CASE NO. 2:04-CV-1048-CW**

**Judge Clark Waddoups**

**Magistrate Judge David Nuffer**

Plaintiff Alex Ray Cota hereby moves the Court to reopen discovery in the present case. The period for fact discovery expired in October, 2008 without any discovery being conducted by either party. The Court has recently appointed pro bono counsel for Mr. Cota and, after discussions with Mr. Cota and review of the case, that counsel has determined that Mr. Cota must amend his complaint to properly vindicate his claims.

Part of that discovery will be directed at identifying the proper defendants to name as allegedly responsible for the neglect that Mr. Cota experienced during his incarceration at the

Utah State Penitentiary. This neglect and indifference ultimately led, at least in part, to the loss of Mr. Cota's leg.

This discovery will allow Mr. Cota to name the proper defendants and properly prosecute his case. More importantly, given that no discovery has occurred in this case, Defendants cannot argue that they will be prejudiced if the Court allows that discovery to occur now. The prejudice to Mr. Cota, however, will be significant if he cannot identify the proper parties, amend his complaint, and prosecute his case. Therefore, the Court should grant the present motion and allow the parties to reopen the fact discovery period. A Memorandum in Support of this motion is filed contemporaneously herewith.

STOEL RIVES LLP

/s/ David J. Williams

Mark E. Hindley  
David J. Williams

Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that on the 28<sup>th</sup> day of May, 2009, I caused to be filed a true and correct copy of the foregoing **PLAINTIFF'S MOTION TO REOPEN DISCOVERY** via CM/ECF, which system will notify the following via e-mail:

David N. Wolf  
UTAH ATTORNEY GENERAL'S OFFICE  
[dnwolf@utah.gov](mailto:dnwolf@utah.gov)

Peggy E. Stone  
UTAH ATTORNEY GENERAL'S OFFICE  
[pstone@utah.gov](mailto:pstone@utah.gov)

/s/ David J. Williams \_\_\_\_\_